

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

MARVIN CHAMPION

v.

**UNITED STATES GOVERNMENT
DEPARTMENT OF THE TREASURY,
AN AGENCY**

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NO. 6:09-cv-574

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. The Report and Recommendation of the Magistrate Judge (“Report”), which contains his proposed findings of fact and recommendation for the disposition of such action, has been presented for consideration (Doc. No. 17). The Magistrate Judge recommends granting Defendant Department of the Treasury’s Motion to Dismiss (Doc. No. 13) Plaintiff Marvin Champion’s (“Plaintiff”) Complaint. Plaintiff has filed a “Motion For Leave to File Appeal” (Doc. No. 20), however, the Court construes that motion as objections to the Magistrate Judge’s recommendations. *See* Doc No. 20 at 1 (stating “[m]otion is first filed to the District Court Judge for review.”). The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court.

Plaintiff has also filed a notice of appeal (Doc. No. 19). Plaintiff’s notice is premature because final judgment has not been entered in this case. Plaintiff may re-file his notice of appeal after the Court enters final judgment in this suit.

Plaintiff has also filed various motions in an attempt to appeal the Court's dismissal to the Fifth Circuit. *See* (Doc. Nos. 20, 21, 22). Such motions were filed prior to entry of Final Judgment, thus, are premature and **DISMISSED**. Plaintiff may choose to re-file those motions along with a notice of appeal in compliance with the Federal Rules of Civil and Appellate Procedure.

So ORDERED and SIGNED this 18th day of January, 2011.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE